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PATENT

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29 May 2007

Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Stanford Mark Moran

Confirmation No. 8022

Serial No.: 10/004,118

Art Unit: 1647

Filing Date: 30 October 2001

Examiner: Seharaseyon, J.

Title: Previously "Method for short-term and long-term drug dosimetry," as currently amended -- METHOD FOR TREATING DISEASES WITH OMEGA INTERFERON --

RESPONSE AND AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the final Office Action in the above-referenced application, mailed 26 December 2006. Accompanying this response is a petition for extension of time (two months). Thus the response date with two-month extension is Saturday 26 May 2007. As Monday 28 May 2007 is a Federal Holiday, the due date with two-month extension falls on Tuesday 29 May 2007. Also accompanying this paper is a Request for Continued Examination. Authorization for payment of the fees at small entity rates accompanies this paper. No further fee is believed due. Reconsideration of the application in view of the following amendments and remarks is respectfully requested.

Introductory Comments

I. Summary of the Office Action.

In the final Office action, mailed 26 December 2006, the Examiner maintained the following rejections:

The Examiner rejected claims 2, 3, 8, 10, 14-17, 19, 22, 24, 30, 33, 35-38, 40-47, 49-54, 68-77 and 84-85 under 35 U.S.C. §103(a) asserting that the claims are unpatentable over “Sorenson” (U.S. Patent No. 5,207,752) in view of “Palmeri” (J. Chemotherapy 2(3):327-330 (1990)) and “Harper” (U.S. Patent No. 6,436,091).

The Examiner rejected claims 3-7, 12, 13, 19, 20, 22, 24-27, 29, 32, 33, 68, 74, 78-83 and 86-88 under 35 U.S.C. §103(a) asserting that the claims are unpatentable over “Sorenson” (U.S. Patent No. 5,207,752) in view of “Palmeri” (J. Chemotherapy 2(3):327-330 (1990)) and “Harper” (U.S. Patent No. 6,436,091) and further in view of “Johnson” (Scientific American, May 1994, pages 68-75).

The Examiner rejected claims 2, 11, 22, 31, 68 and 74 under 35 U.S.C. §103(a) asserting that the claims are unpatentable over “Sorenson” (U.S. Patent No. 5,207,752) in view of “Palmeri” (J. Chemotherapy 2(3):327-330 (1990)), “Harper” (U.S. Patent No. 6,436,091) and “Johnson” (Scientific American, May 1994, pages 68-75) and further in view of “Kwan” (U.S. Patent No. 4,847,079).

The Examiner rejected claims 2-17, 19, 20, 22, 24-27, 29-33, 35-38, 40-47, 49-54 and 68-88 under 35 U.S.C. §103(a) asserting that the claims are unpatentable over “Sorenson” (U.S. Patent No. 5,207,752) in view of “Palmeri” (J. Chemotherapy 2(3):327-330 (1990)), “Peery” (U.S. Patent No. 5,728,396), and “Johnson” (Scientific American, May 1994, pages 68-75) and further in view of “Kwan” (U.S. Patent No. 4,847,079).

The Examiner rejected claim 68 under 35 U.S.C. §112, second paragraph, asserting that the claim is indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserted that the limitation “said pharmacokinetic profile during said long-term delivery” on line 9 lacks sufficient antecedent basis for this limitation in the claim.

These rejections are believed to be overcome in part by the amendments and are

otherwise traversed for reasons discussed below.

II. Overview of the Amendments

1. To the Specification.

The amendments to the specification are presented herein below (after the signature page) in the section titled “Amendments to the Specification.”

On page 1, lines 5-6, the title of the specification is amended to change the title to more closely reflect the subject matter of the pending claim set. Basis for the amendment can be found throughout the specification, for example, at the following locations: ¶0027; ¶0048; ¶0053; and ¶0055.

On page 17, ¶0059 is amended. Basis for the amendment can be found throughout the specification, for example, at the following locations: ¶0033 and Figure 2.

On page 34, ¶00116 is amended. The amendment provides a conversion of the quarter-year doses to weekly doses.

Accordingly, no new matter has been added by way of this amendment and the entry thereof is respectfully requested.

2. To the Claims.

Claims 2-17, 19, 20, 22, 24-27, 29-33, 35-38, 40-47, 49-54, and 68-88 are pending in the application.

Claims 2-17, 19, 20, 22, 24-27, 29-33, 35-38, 40-47, 49-54, and 68-85 are canceled by this amendment. Claims 86-88 are amended without prejudice or disclaimer. Cancellation or amendment of these claims is not intended to be an acquiescence in the Office’s assessment of those claims in the final Office action, mailed 26 December 2006. Applicant expressly reserves the right to bring the subject matter of the original claims again in a subsequent, related application. New claims 89-113 are added by this amendment. After entry of this amendment claims 86-113 are pending.

No fees for the newly added claims are due as applicant has previously paid fees for a greater number of independent claims and dependent claims than are present in the current claim set.

The amendments to the claims are presented herein below (after the signature page) in the section titled "Amendments to the Claims."

Support for the amendment to claim 86 can be found throughout the specification, for example, at the following locations: ¶0002; ¶0048, page 14, lines 7-9; ¶0053; ¶0055; ¶0078; ¶0079; and ¶0082.

Support for the amendment to claim 87 can be found throughout the specification, for example, at the following locations: ¶0002; ¶0048, page 14, lines 7-9; ¶0053; ¶0055; ¶0062; ¶0070, page 22, lines 9-20; ¶0078; ¶0079; ¶0082; and ¶00116.

Support for the amendment to claim 88 can be found throughout the specification, for example, at the following locations: ¶0002; ¶0048, page 14, lines 7-9; ¶0053; ¶0055; ¶0056; ¶0070, page 22, lines 22-23; ¶0078; ¶0079; ¶0081; and ¶0082.

Support for newly presented claims 89, 90, 91, and 92 can be found throughout the specification, for example, at the following locations: ¶0032, Figure 1; ¶ 0033, Figure 2; ¶0034, Figure 3; ¶ 0035, Figure 4; ¶0058; ¶0059; ¶0061; ¶0062; and ¶0085.

Support for newly presented claims 93, 94, 95, and 96 can be found throughout the specification, for example, at the following locations: ¶0056; ¶0057; ¶0062; ¶0085; and ¶0109.

Support for newly presented claims 97, 98, 99, 100, 101, and 102 can be found throughout the specification, for example, at the following locations: ¶0053; and ¶0062-¶0066.

Support for newly presented claim 103 can be found throughout the specification, for example, at the following location: ¶0068 (which is actually two paragraphs).

Support for newly presented claim 104 can be found throughout the specification, for example, at the following location: ¶0081.

Support for newly presented claim 105 can be found throughout the specification, for example, at the following location: ¶0070, page 22, lines 22-23.

Support for newly presented claim 106 can be found throughout the specification, for example, at the following location: ¶00116.

Support for newly presented claim 107 can be found throughout the specification, for example, at the following locations: ¶0053; and ¶0080.

Support for newly presented claim 108 can be found throughout the specification, for example, at the following locations: ¶0063-¶0066; and ¶0072.

Support for newly presented claims 109, 110, and 111 can be found throughout the specification, for example, at the following locations: ¶0068 (which is actually two paragraphs); ¶0073; and ¶0074 (which is actually multiple paragraphs and a table).

Support for newly presented claims 112 and 113 can be found throughout the specification, for example, at the following location: ¶0070, page 22, lines 8-20.

Accordingly, no new matter has been added by way of this amendment and the entry thereof is respectfully requested.